

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Greenberg, et. Al.	Art Unit:	Unassigned
Serial No.:	Unknown	Examiner:	Unknown
Filed:	Herewith		
Docket No.:	S100DIV3		
For:	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner
For Patents
Washington, D.C. 20231**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

11/9/01


Emily M. Stuart

**DECLARATION OF ROBERT J. GREENBERG IN SUPPORT OF A
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

I, Robert J. Greenberg, state and declare:


1. I am president of Second Sight, LLC, and an originally named inventor in the parent to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11/8/01

Date



Robert J. Greenberg, M.D., PhD

Second Sight, LLC
P.O. Box 905
Santa Clarita, CA 91380-9005
(661) 775-3990 x3129
(661) 775-1595 (fax)

PATENT

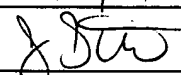
#4
B. Webb
10/8/03

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Emily M. Stuart

PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)

Dear Sir:

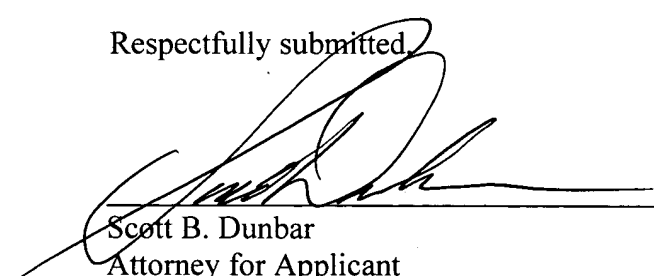
Pursuant to 37 C.F.R. 1.148(a), Applicant hereby petitions the Commissioner to correct inventorship in the above-identified patent application. As supported by the enclosed declarations of Robert J. Greenberg and Joseph H. Schulman, applicant, without deceptive intent, incorrectly named the inventors in the declaration filed in the parent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000. The correct inventorship is shown in the new declaration provided herewith.

01/04/2002 FFANAEIA 00000007 500922 10033576

04 FC:122 130.00 CH

11/8/01
Date

Respectfully submitted,


Scott B. Dunbar
Attorney for Applicant
Reg. No. 37,124

Second Sight, LLC
P.O. Box 905
Santa Clarita, CA 91380-9005
(661) 775-3990 x3129
(661) 775-1595 (fax)

Atty. Docket S100DIV3

PATENT

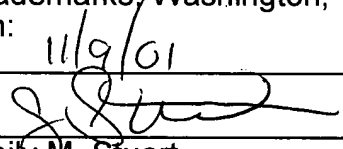
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Emily M. Stuart

**DECLARATION OF JOSEPH H. SCHULMAN IN SUPPORT OF A
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

I, Joseph H. Schulman, state and declare:

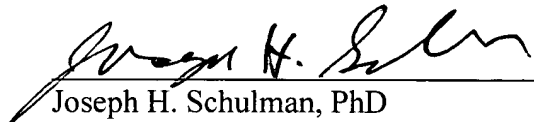
1. I am a director of Second Sight, LLC, and an originally named inventor in the parents to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

1003556-11004

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11-08-01
Date


Joseph H. Schulman, PhD

Second Sight, LLC
P.O. Box 905
Santa Clarita, CA 91380-9005
(661) 775-3990 x3129
(661) 775-1595 (fax)

Docket No:
S100-DIV3

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
RETINAL COLOR PROSTHESIS FOR COLOR SIGHT RESTORATION

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International
Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/125,873

Mar. 24, 1999

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Scott B. Dunbar, Reg. No. 37,124

Gary D. Schnittgrund, Reg. No. 42,130

Send Correspondence to: **Second Sight, LLC**
P.O. Box 905
Santa Clarita, California 91380-9005

Direct Telephone Calls to: *(name and telephone number)*

Scott B. Dunbar, (661) 775-3995 ext. 3129

Full name of sole or first inventor

Robert J. Greenberg

Sole or first inventor's signature

Robert J. Greenberg

Date

11/8/01

Residence

1600 S. Benctley #7, Los Angeles, California 90025

Citizenship

U.S.A.

Post Office Address

Full name of second inventor, if any

Joseph H. Schulman

Second inventor's signature

Joseph H. Schulman

Date

11-8-01

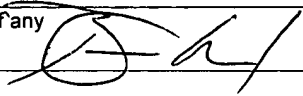
Residence

16050 Comet Way, Santa Clarita, California 91351

Citizenship

U.S.A.

Post Office Address

Full name of third inventor, if any Brian V. Mech		11-08-01
Third inventor's signature		Date
Residence 14812 Dickens St. #307, Sherman Oaks, California 91403		
Citizenship Canada		
Post Office Address		

Full name of fourth inventor, if any		
Fourth inventor's signature		Date
Residence		
Citizenship		
Post Office Address		

Full name of fifth inventor, if any		
Fifth inventor's signature		Date
Residence		
Citizenship		
Post Office Address		

Full name of sixth inventor, if any		
Sixth inventor's signature		Date
Residence		
Citizenship		
Post Office Address		